

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1091

United States of America,

Appellee,

v.

Walter E. Hicks,

Appellant.

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Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: June 20, 2002

Filed: July 15, 2002

Before MORRIS SHEPPARD ARNOLD, MURPHY, and BYE, Circuit Judges.

PER CURIAM.

Walter E. Hicks pleaded guilty to one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). After he withdrew his objections to the presentence report, he was subject to a Guidelines imprisonment range of 77-96 months. The district court¹ sentenced him to 80 months imprisonment and 3 years supervised release.

¹The Honorable Fernando J. Gaitan, Jr., United States District Judge for the Western District of Missouri.

On appeal, Hicks's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing the district court should not have assessed criminal history points for sentences imposed without representation by counsel or for sentences of less than 30 days incarceration. We decline to reverse the sentence on these grounds because Hicks waived any objection to his sentence when he withdrew all objections to the presentence investigation report. See United States v. Mora-Higuera, 269 F.3d 905, 913 (8th Cir. 2001).

Having found no nonfrivolous issues in our independent review of the record, see Penson v. Ohio, 488 U.S. 75, 80 (1988), we grant counsel's motion to withdraw, and we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.